

Introduced by Senator Maldonado

February 27, 2009

An act to amend Section 22352 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 570, as introduced, Maldonado. Prima facie speed limits: suburban streets.

Existing law provides that the prima facie speed limit is 15 miles per hour under certain circumstances and 25 miles per hour under other specified circumstances. Existing law requires that the prima facie speed limit be applicable unless changed as authorized in the Vehicle Code and, if so changed, only when signs have been erected giving notice of that speed limit. Violation of these provisions is a crime.

This bill would additionally establish a 40-mile-per-hour prima facie speed limit on any street or roadway and on any highway, other than a state highway, where the residential density consists of 8 residential units or more fronting the street, roadway, or highway over a distance of $\frac{1}{4}$ mile, when posted with a sign giving notice of that residential density. The bill would permit a different speed limit to be determined by a local authority under procedures set forth in the Vehicle Code and would require that the different speed be indicated on the residential density posting. By creating a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 22352 of the Vehicle Code is amended
2 to read:
3 22352. ~~(a)~~—The prima facie *speed* limits are as follows and
4 shall be applicable unless changed as authorized in this code and,
5 if so changed, only when signs have been erected giving notice
6 ~~thereof of that speed limit:~~
7 ~~(1)~~
8 (a) Fifteen miles per hour:
9 ~~(A)~~
10 (1) When traversing a railway grade crossing, if during the last
11 100 feet of the approach to the crossing the driver does not have
12 a clear and unobstructed view of the crossing and of any traffic on
13 the railway for a distance of 400 feet in both directions along the
14 railway. This subdivision does not apply in the case of any railway
15 grade crossing where a human flagman is on duty or a clearly
16 visible electrical or mechanical railway crossing signal device is
17 installed but does not then indicate the immediate approach of a
18 railway train or car.
19 ~~(B)~~
20 (2) When traversing any intersection of highways if during the
21 last 100 feet of the driver's approach to the intersection the driver
22 does not have a clear and unobstructed view of the intersection
23 and of any traffic upon all of the highways entering the intersection
24 for a distance of 100 feet along all those highways, except at an
25 intersection protected by stop signs or yield right-of-way signs or
26 controlled by official traffic control signals.
27 ~~(C)~~
28 (3) On any alley.
29 ~~(2)~~
30 (b) Twenty-five miles per hour:
31 ~~(A)~~
32 (1) On any highway other than a state highway, in any business
33 or residence district unless a different speed is determined by local
34 authority under procedures set forth in this code.
35 ~~(B)~~

(2) When approaching or passing a school building or the grounds thereof, contiguous to a highway and posted with a standard “SCHOOL” warning sign, while children are going to or leaving the school either during school hours or during the noon recess period. The prima facie limit shall also apply when approaching or passing any school grounds which are not separated from the highway by a fence, gate, or other physical barrier while the grounds are in use by children and the highway is posted with a standard “SCHOOL” warning sign. For purposes of this subparagraph, standard “SCHOOL” warning signs may be placed at any distance up to 500 feet away from school grounds.

(C)

(3) When passing a senior center or other facility primarily used by senior citizens, contiguous to a street other than a state highway and posted with a standard “SENIOR” warning sign. A local authority is not required to erect any sign pursuant to this paragraph until donations from private sources covering those costs are received and the local agency makes a determination that the proposed signing should be implemented. A local authority may, however, utilize any other funds available to it to pay for the erection of those signs.

(c) Forty miles per hour on any street or roadway and on any highway, other than a state highway, where the residential density consists of eight residential units or more fronting the street, roadway, or highway over a distance of one-quarter mile, when posted with a sign giving notice of that residential density. A different prima facie speed limit may be established by a local authority under procedures set forth in this code, in which case the different speed limit shall be indicated on the residential density posting.

~~(b) This section shall become operative on March 1, 2001.~~

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

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